

MINUTES OF THE TIPPECANOE COUNTY DRAINAGE BOARD MEETING HELD JUNE 4, 1975

The regular meeting of the Tippecanoe County Drainage Board was held at 9:15 a.m., in the County Council Room with the following members present: Bruce Osborn, Martin Galema, sitting in for Robert Fields, Robert L. Martin, Fred Hoffman and Gladys Ridder.

Minutes Upon the reading of the minutes of the May 7th, 1975 meeting, Bruce Osborn moved to accept the minutes
Approved as read. The motion was seconded by Martin Galema.

Floyd Wilcox Mr. Floyd Wilcox came before the Board to alert the Board of the preparation being made to construct a dam over a portion of the Waples-McDill legal tile drain. He said he was not against the dam being there as long as it did not dump water over on him or in any way damage the flow of the legal drain. The Board thanked him for his concern and brought it to their attention and assured him that they would keep check on the situation.

Letter from The following letter was received by the Drainage Board:
Richard

Boehning

Tippecanoe County Drainage Board
Court House
Lafayette, Indiana 47901

RE: Friendly Village Mobile Home Park

Dear Sirs:

I represent Mobile Communities, Inc. the owner and developer of Friendly Village Mobile Home Park. The front of Friendly Village Mobile Home Park is located near old U. S. Highway 52 and new U. S. Highway 51 relatively close to the old Ross Annex.

Mr. Paul Fleming, Vice President of Mobile Communities, Inc. has informed me about a drainage situation involving their development and some adjoining tracts. I believe that you are also familiar with this drainage situation involving the property to the South of the mobile home park.

The present problem involves the question of several drain tile connecting on to the legal drain, and whether such connection will result in the discharge to the legal drain of liquid waste that would cause or contribute to pollution of the Elliott ditch.

Several weeks ago representatives of the developer met with the owner of the property to the South to discuss the dilemma. It was mutually suggested at that time that the County Board of Health review the situation to determine what the quality of the discharge to the legal drain will be if it is connected. If the connection would result in a discharge to the legal drain of liquid waste that would cause or contribute to pollution of the Elliott Ditch, it would be my opinion that the Drainage Board would be in a dilemma because of IC-19-4-6-7 which pertains to involvement of the Indiana Stream Pollution Control Board.

As developers, we would request that the Drainage Board aid in giving us some direction in solution of the problem. We would suggest that you request the County Health Board to issue you a report. After the report has been issued, I would suggest that I be given the opportunity to discuss the matter with you so that the viable alternatives can be considered.

Many thanks for your cooperation and I would appreciate being advised as to the suggestions set forth above.

Many thanks.

Sincerely,
BENNETT, BOEHNING & POYNTER

Richard A. Boehning

RAB:skh

bcc: Mr. Paul A. Fleming
Mr. John Fisher

The Board instructed the Secretary to write a letter to Mr. Boehning stating their feelings on this matter. Any private tile that empties into a legal drain, when it has been disconnected by anyone bears a legal responsibility to reconnect same. As to what flows in those tiles, that responsibility rests totally with the State Board of Health.

Marty Dwyer Because of the Board's reluctance to vacate a portion of Branch No. 14 of the S. W. Elliott
For General ditch without first protecting those people on the upper end who need an outlet for their portion
Foods of the Elliott ditch, Mr. Marty Dwyer appeared on behalf of the General Foods plant to relate the position of his company. He said they were willing to maintain their drainage system, constructed at their own expense, but they were not willing to maintain the upper part that used them as an outlet. Mr. Osborn informed Mr. Dwyer that General Foods had cut into the S. W. Elliott Legal Drain without permission of the Drainage Board and had a certain responsibility to see that those people were assured an outlet in the future.

Mr. Osborn also said he felt that those wanting the vacation must work with General Foods on a permanent easement showing permission to use General Foods drain as their outlet and record that easement in the Tippecanoe County Recorder's office. Then, he said, he would be more willing to grant the vacation of that part of the Elliott ditch as was requested.

Richard H. Mr. Richard H. Smith appeared before the Board and handed each member a copy of a letter he had
Smith written. It reads as follows:

Tippecanoe County Drainage Board
Tippecanoe County Surveyor

Dear Sir (s):

I now have approximately sixty acres of land under water. Despite the fact that this drainage problem was brought to your attention over eighteen months ago and numerous times since, pursuit of the cause in this area of the Elliott ditch has never been made.

MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JUNE 4, 1975 (Continued)

Over twelve months ago and numerous other times since, a detailed explanation of serious, obvious and easily corrected deficiencies in the IlgenFritz ditch have been brought to your attention. You have intentionally neglected to make any effort to correct the problem. The means and opportunity have been yours many times over.

Your refusal to have this work done constitutes a deliberate and malicious diversion by you of water from one drainage system to another which is in worse condition.

How can you possible dream of justification for the deliberate destruction of my land, my crops and my opportunity to make a profit from my farm?

/s/Richard H. Smith

An attempt had been made to clean and repair the Ilgenfritz ditch but the Board was threatened with a suit by Mr. Alvin Pillotte. Mr. Osborn instructed the Secretary to set up a meeting on Friday 13th, 1975 at 11:00 a.m., with all of those in the Ilgenfritz watershed. The purpose of the meeting to discuss with all people involved the needs of repairing and cleaning of the Ilgenfritz Legal Drain.

9:30 a.m.

Maintenance
hearing

James S.
Kellerman

Drain
including

John H. Skinner

Mr. Bruce Osborn opened the hearing on the James S. Kellerman ditch by asking the Surveyor to read his report and make his recommendations. Mr. Martin showed this ditch to be all tile and that this hearing was to include the John H. Skinner ditch or branch. Mr. James S. Kellerman was the only person in the watershed who appeared. He asked the Board who the trees in the banks of an open ditch belonged to and the Board said they belonged to the farmer unless otherwise specified in a bid. Mr. Kellerman also reported that a breather needed repair on the ditch one half mile west of the elevator west of Romney. The Board asked if the proposed one dollar per acre was agreeable with him and Mr. Kellerman asked if that was the amount on the notification. The Secretary erroneously answered in the affirmative. The Board then moved to establish the one dollar. In checking the notices further, the Secretary found she had erred and had notified those people in the watershed of only fifty cents per acre. To establish the one dollar per acre assessment would require a new hearing so legally the amount had to be left at fifty cents per acre. The move to establish had come from Bruce Osborn and was seconded by Martin Galema.

10:30 a.m.

Maintenance
Hearing on

E. Eugene
Johnson
ditch

Mr. Osborn opened the hearing on the E. Eugene Johnson ditch by asking the Surveyor to read his report and make his recommendations. Robert Martin explained the reason for including the extension that needed to be cared for along with the Johnson ditch for it's their outlet. He also recommended a one dollar assessment. Those in attendance were Malcolm Stingley, Ora Gish and E. Eugene Johnson. Mr. Johnson said he was much in favor of a maintenance fund because the ditch was much in need of repairs. Ora Gish said he had petitioned against a maintenance fund when the ditch was up for a hearing but that this time he was in favor of a maintenance fund although his problem was an outlet under the R/R. He also said he had contacted the Railroad and found their charge would be \$7,000.00 to give his the necessary outlet. Mr. Hoffman said he would contact the attorney for the Railroad again and see what assistance he could get for them. Mr. Gish said any help would certainly be appreciated.

Upon motion of Mr. Osborn, seconded by Mr. Galema the Board moved to establish a \$1.00 per acre assessment on the E. Eugene Johnson ditch including the proposed extension.

Order &
Findings and
Certificate of
Assessments

Upon the establishment of a maintenance fund on the James S. Kellerman and the E. Eugene Johnson ditches, the Board signed the Order and Findings and the Certificate of Assessments for both ditches.

Sewage Plant
at Clarks Hill

It was brought to the attention of the Drainage Board that their orders in a meeting of October 2, 1975 when a request to empty effluence from the new Clarks Hill disposal plant was denied have been violated. Mr. Osborn left the meeting to call Mr. John Gambs, attorney for the Disposal Plant, and received confirmation that this was true and asked the County Attorney to start proceedings to place an injunction against them.

Robert F. Fields (absent)

Robert F. Fields, Chairman

William Vandervyeen

William Vandervyeen, Vice Chairman

Bruce Osborn

Bruce Osborn, Board Member

ATTEST:

Gladys Ridder

Gladys Ridder, Executive Secretary

Martin L. Galema, Sub. Board Member